

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURRENT BOURNE,

Plaintiff,

vs

9:03-CV-1130

GEORGE PATAKI, Governor of the State of New
York; BRION TRAVIS, Chairman of the New York
State Division of Parole; and NEW YORK STATE
DIVISION OF PAROLE,

Defendant.

APPEARANCES:

OF COUNSEL:

CURRENT BOURNE
92-A-5932
Hudson Correctional Facility
P.O. Box 576
Hudson, NY 12534-0576

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendant
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RISA L. VIGLUCCI, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Current Bourne, brought this civil rights action pursuant to 42 U.S.C.
§ 1983. By Report Recommendation dated February 18, 2005, the Honorable Gustave J.
DiBianco, United States Magistrate Judge, recommended that the motion to dismiss filed on
behalf of defendant Travis be granted and the complaint be dismissed in its entirety as to this
defendant; and that the claims against the New York State Division of Parole be dismissed

sua sponte and the complaint be dismissed in its entirety as against all defendants. The plaintiff has not filed objections to the Report-Recommendation.

Accordingly, it is

ORDERED that

1. The motion to dismiss of defendant Travis is GRANTED;
2. The claims against the defendant New York State Division of Parole are

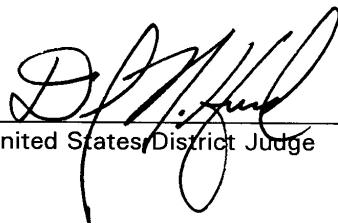
DISMISSED.

3. The complaint is DISMISSED in its entirety as to all defendants.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: August 25, 2005
Utica, New York.


United States District Judge